BidZirk LLC et al v. Smith Doc. 45 Att. 1

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## EXHIBIT 1

"SERMA Gives Others Goose Bumps On The Derma"

A MySpace comment in response to my post on SERMA (Search Engine Reputation Management) yesterday:

## SERMA and Silencing the Consumer

I read your blog on SERMA and thank you for posting it. I had a similar experience. My website, the Toonces Project, publicized the State Veterinary Board's findings against a veterinarian who was found guilty of wrongdoing in a case involving my cat. The findings are a matter of public record. For the first month or so my site was coming up on the first page of searches for the vets name, the hospital name, and the term veterinary malpractice. Now it does not come up at all anywhere searching for those terms. It hasn't been removed by Google, because if you search "The Toonces Project" it still comes up, also it still comes up on Yahoo. Also, the search results that come up when you search my name have been reorganized in a way that I'm sure someone else might think is negative. I know the search results are being manipulated.

I'm not sure what consumers who have turend to the internet as a way to share information -- including negative information -- about businessnes are going to do if the internet ends up being owned by business.

This is where it is heading

Can we "OUT SERMA" SERMA? If we feel we are being SERMAd what can we do?

I just applied to be your friend. Read my blog on veterinary malpractice, and visit my now-unsearchable on Google site, the toonces project at <a href="https://www.thetooncesproject.com">www.thetooncesproject.com</a>

I went to the website and found the following:

Dr. Marc Katz, DVM, of The Kindness Animal Hospital in Wheaton, Maryland

Found in Violation of the Veterinary Practice Act by the MD State Board of **Veterinary Medical Examiners** 

Veterinary License Suspended (suspension stayed)

Six Months Probation Effective 2/03/2006

Honestly, the best way to beat a SERMA'd site is to do what I have just done. My site is 3 million slots higher than your site ... so ... maybe putting it here will get these terms back into a search.

I posted to the Google Groups board in hopes that Google would respond. It usually takes them 3-4 weeks as I posted about a different but related topic before.

Further, my investigation turns up that this is most likely legal **BUT** they are most likely using illegal methodology to perform the function of censoring or "pushing". I believe they have a "gateway" page which is specifically forbid by Google.

The other thing you can do is change the wording and rearrange the wording of the website and article as it appears that they target specific layouts.

One former hospital marketing department executive that I showed this (SERMA) to was absoultely stunned. She said it has so many implications for spin control on so many levels. Doctors could suppress malpractice, politicians could suppress "unethical" behaviour ....

My biggest beef in my particular instance is that I had a federal district court rule that my article could stay up on the internet and Bidzirk removed it any way (as best they could) ... which may be a violation of court order.